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Spills and emergencies: The role of the Ministry of the Environment

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The primary responsibility for public health and safety in an emergency resulting from a spill or fire rests with the municipality. The ministry may be called on to assist municipal agencies when a spill is part of a larger emergency. The ministry also ensures that those responsible for a spill use proper cleanup and disposal procedures.

Spills and emergencies happen in spite of the best efforts of the public and private sectors and those agencies that try to prevent them.

When they do happen the consequences can threaten the health and safety of people and the environment.

The primary responsibility for public health and safety in the case of an emergency rests with the municipality, which is encouraged to prepare plans and procedures for emergencies. Normally, for example, it is the fire chief and/or medical officer of health who are responsible for orders to evacuate during fire-related emergencies.

When a spill is part of a larger emergency, the ministry can be called upon to help deal with resulting environmental concerns. It can provide information on environmental effects and advice to the fire chief and/or medical officer of health. However, it is not the ministry's responsibility to provide the first line of emergency response for spills or emergencies.

The ministry's primary role in the event of a spill is to ensure that whoever is responsible for the spill contains it and cleans up the site in accordance with ministry guidelines.

Provincial law requires that all spills or accidental discharges potentially hazardous to the environment must be reported immediately to the ministry. This extends to the person who causes or permits the spill and those who had control of the material immediately before the spill.

The Spills Action Centre (1-800-268-6060)

The ministry's Spills Action Centre (SAC) provides a province-wide, toll-free system which is staffed by environmental officers on a 24-hour basis. The primary role of SAC is to receive reports of spills and other urgent environmental matters and then initiate and co-ordinate an environmental response to these reports.

SAC has access to extensive chemical database systems and in most cases can provide advice over the phone. Since most reported incidents are not

emergencies, they can be referred to the ministry's district offices to be handled next day during regular business hours.

Typically, SAC receives 4,000 to 5,000 reports of spills each year. Most can be dealt with by those responsible for the spill, or by municipal agencies, without the on-site presence of ministry staff.

Depending on the size and nature of an incident, SAC can activate three levels of ministry field response as follows.

Level 1 – district response

The ministry's first level of field response is provided by environmental officers working in district or area offices.

An example that could trigger a Level 1 response might be a tanker truck that has an accident and spills its load onto the highway. An environmental response person could be called in to make sure that the contaminants are contained and removed for disposal by the owner or persons who had control of a material at the time it was spilled.

At this level, staff conduct an initial assessment and determine what extra resources are needed and what actions need to be taken. They can trigger the next level of environmental response when necessary.

Outside regular working hours each district office has an on-call environmental response person who is sent out at SAC's discretion. Depending on the location of the occurrence, an after-hours Level 1 field response can be expected within about two hours of SAC paging the response person.

Level 2 – regional response

Two or three times a year a Level 2 ministry response is required and is provided through resources available at the ministry's five regional offices.

For example, Level 2 action may be required to assist first response agencies during a chemical

fire. SAC would activate a Level 2 response by contacting one of the regional offices.

Regional expertise may include:

- providing back-up staff, equipment and technical expertise for complex incidents
- providing air or water monitoring or modeling (a picture of existing, and possibly projected, conditions)
- providing support, guidance and approval to initiate directions, approvals or orders under the *Environmental Protection Act*.
- triggering the next level of response

An after-hours, Level 2 field response can be expected within three to four hours, subject to the availability of equipment and staff.

Level 3 – head office response

About once a year, the ministry becomes involved in an emergency that requires a Level 3 response. This uses additional ministry expertise and resources beyond those available at the regional level. This may include on-site assistance from other branches, such as the Environmental Monitoring and Reporting Branch, Standards Development Branch, Laboratory Services Branch or Communications Branch.

For example, a large fire burning for an extended time close to a populated area may require a Level 3 response.

Depending on the type and expected duration of an air-related emergency, a ministry mobile trace atmospheric gas analyzer (TAGA) may be required to provide specialized air monitoring, including real-time concentration measurements of specific chemicals. This information may be used to help determine safe downwind concentrations and distances. A Level 3 TAGA response can be expected within four to six hours, depending on the location of the occurrence.

There are only six TAGAs working in North America. Ontario owns and operates two of them.

The primary purpose of the TAGA units is to conduct sophisticated air quality surveys across the province. At any given time, they can be in any Ontario communities that require specialized and unique monitoring. Therefore, response times may vary if one or both of the ministry TAGA units are out doing surveys in other parts of the province.

In addition, the ministry's Air Quality and Meteorology Office can provide around-the-clock weather forecasts.

Providing technical back-up

Ministry laboratory facilities in Toronto are responsible for analysing samples provided by field staff at the site of spills and related emergencies. Obtaining rapid, accurate information may be vital to decisions regarding response actions and cleanup procedures. This precise information may also provide legal evidence in the event that court action is taken.

Cleanup responsibility

When a spill occurs, it is the responsibility of the owner and the person who had control of a material at the time it was spilled to clean up and dispose of pollutants in a timely manner. It is the ministry's role to ensure that those responsible use proper cleanup procedures and suitable disposal practices.

Under the authority of the Environmental Protection Act, the ministry can order those responsible for the spill to clean up the site to ministry guidelines. Should they fail to comply with these orders, the ministry can undertake the cleanup and recover the costs.

For more information, please contact:

Spills Action Centre at 1-800-268-6060

or

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